

TERMINIX

US EPA RECORDS CENTER REGION 5

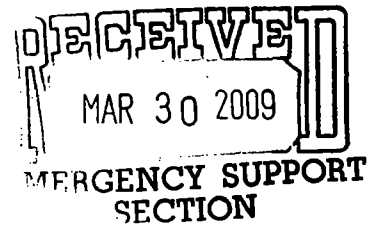


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March 27, 2009

VIA U.S. MAIL

Mrs. Mila V. Bensing
U.S. Environmental Protection Agency, Region 5
Emergency Enforcement Services Section, SE-5J
77 West Jackson Boulevard
Chicago, IL 60604-3590



Re: Request for Information Pursuant to Section 104 of CERCLA for Rose Exterminator Site
at 5421 Carthage Avenue in Norwood, Hamilton County, Ohio

Dear Mrs. Bensing:

This is a joint response on behalf of Terminix International Company, L.P. & TSSGP (hereinafter known as "Terminix") to the above-referenced Request for Information regarding the Rose Exterminator Site ("Site"). Please be advised that TSSGP was dissolved out of existence on August 5, 1998. However, from June 30, 1993 until August 5, 1998, TSSGP was a general partner to Terminix International Company, L.P. Terminix voluntarily provides the following information, without admitting any liability or responsibility whatsoever for the Site under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. § 9601 *et seq.* ("CERCLA"), the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6901 *et seq.* ("RCRA") or any other statute or authority.

Preliminary Statement and General Objections

Although Terminix has performed a diligent search for the information requested, it should be noted that Terminix objects generally to the Request for Information because it is overly broad. It imposes an undue burden upon Terminix and, in the absence of any known connection between Terminix and the conditions allegedly existing at the Site, the information requested is arbitrary and an abuse of discretion. Furthermore, the Request is beyond the scope of the Agency's authority pursuant to CERCLA 104(e)(2). 42 U.S.C. § 9604(c)(2).

Terminix specifically objects to the Request for Information to the extent that it purports to require Terminix to respond on the basis not only of all information and documents in its control, but also to provide all information and documents in the possession,

custody, and control of former employees or agents. Terminix objects to the Request for Information to the extent that it purports to impose upon Terminix an obligation to research, investigate and disclose information from other sources.

Any information provided by Terminix is based upon a reasonable investigation and search of records kept in the ordinary course of business and the responses are based on such reasonable records search and investigation.

Terminix further objects to the "Instructions" and "Definitions" to the extent that they generally purport to expand upon the language of CERCLA § 104(e)(2), 42 U.S.C. § 9604(e)(2) and the Resource Conservation and Recovery Act ("RCRA") 42 U.S.C. 6901 *et seq.*, 40 C.F.R. Part 300 or 40 C.F.R. Parts 260-280. Without limiting the breadth of the foregoing objections, Terminix specifically objects to the Agency's definition of:

- The terms "you" or "Respondent" as including any person or entity other than Terminix International Company, L.P.
- The terms "identify" and "documents" as being overly broad, unduly burdensome, and incomprehensible and not defined by either CERCLA or RCRA.

Subject to and without waiver of the foregoing objections, Terminix responds to the Request for Information as follows:

Questions and Responses

1. Identify all persons consulted in the preparation of the answers to these Information Requests.

Response:

In preparation of the answers to these Information Requests, Terminix consulted Norman Goldenberg, Terminix International Company, L.P., Senior Vice President of Regulatory and Government Affairs, James Coggin, Managing Attorney, The ServiceMaster Company, parent company of Terminix ("ServiceMaster"), Fred Murray, Terminix International Company, L.P., Director of Business Development, Elaine Green, Paralegal, Service Master, Tina Morgan, Paralegal, TruGreen LawnCare, all of the above named parties' place of business is located at 860 Ridge Lake Blvd. Memphis, TN 38120, Richard Cummings, Service Manager of the Cincinnati Commercial branch, Terminix, whose place of business is located at 4455 Salzman Rd. Middletown, OH 45044.

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.

Response:

In the preparation of the answers to these Requests Terminix consulted the website

www.epaosc.org/roseexterminatorsite, www.hamiltoncountyauditor.org, and various other files which contained no information regarding the Site. Terminix objects to the request for production of all documents consulted, examined, or referred to on the basis that those documents contained no information regarding the Site and therefore, the documents are not relevant.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.

Response:

Terminix has identified all persons consulted who are believed to have knowledge of the subject of this Information Request. Terminix cannot and will not speculate regarding the names and addresses of additional persons who might have information or documents responsive to this Information Request.

4. List the EPA Identification Numbers of the Respondent.

Response:

Terminix has no such information relative to the Site that is the subject of this Information Request.

5. Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants, and damages resulting therefrom.

Response:

Terminix has identified all persons consulted who are believed to have knowledge of the subject of this Information Request. Terminix cannot and will not speculate regarding the names and addresses of persons who may have caused the release or threat of release of hazardous substances, pollutants, or contaminants, and damages resulting therefrom or who might have information or documents responsive to this Information Request.

6 Identify all persons having knowledge or information about the generation, transportation, treatment, disposal, or other handling of hazardous substances by you, your contractors, or by prior owners and/operators.

Response:

Terminix objects to this request as being vague and overly broad to the extent that the request is not seeking information relative to the generation, transportation or disposal of hazardous substances at the Site that is the subject of this request. Upon search of its records, Terminix has no such information relative to the Site that is the subject of this Information

Request.

7. Did you ever use, purchase, store, treat, dispose, transport or otherwise handle any hazardous substances or materials? If the answer to the preceding question is anything but an unqualified "no", identify:

- a) The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance;
- b) Who supplied you with such hazardous substances;
- c) How such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you;
- d) When such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you;
- e) Where such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you; and
- f) The quantity of such hazardous substances used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

Response:

Terminix objects to this request as being vague and overly broad to the extent that the request is not seeking information relative to the use, purchase, storage, treatment, disposal or handling of hazardous substances or materials at the Site that is the subject of this request. Upon search of its records, Terminix has no such information relative to the Site that is the subject of this Information Request.

8. Provide a list of all property and casualty insurance (e.g., comprehensive general liability, environmental impairment, etc.) and specify the insurer, policy, effective dates, and per occurrence policy limits for each policy for the time period specified in this Information Request. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

Response:

Terminix objects to this request for information on the grounds of relevance and privilege and in the absence of any evidence or information that suggests a connection between Terminix and this Site. Further, Terminix is unable to comply with this request for information in the absence of the specification of a time period which is not noted in this Information Request.

9. Provide copies of all income tax returns sent to the Federal Internal Revenue Service in

the last five years.

Response:

Terminix objects to this request for information on the grounds of relevance and privilege and in the absence of any evidence or information that suggests a connection between Terminix and the Site.

10. If Respondent is a Corporation, respond to the following requests:

- a) Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.
- b) Provide Respondent's audited financial statements for the past five fiscal years, including, but not limited to those filed with the Internal Revenue Service. If audited financial statements are not available, please state the reasons that they are not available, and provide the financial statements that management would review at the conclusion of each fiscal year.
- c) Identify all of Respondent's current assets and liabilities and the persons who currently own or are responsible for such assets and liabilities.
- d) Provide a list of any investments that the Corporation may own. For example, any ownership in stock should list Corporate name, number of shares owned, and price at a current specific date. Ownership of real estate should itemize property location, type of property (land, office building, factory, etc.), size of property, purchase price, and current market valuation. These schedules should agree with financial statement presentations.

Response:

N/A.

11. If Respondent is a Partnership, provide copies of the Partnership Agreement.

Response:

Terminix objects to this request for information on the grounds of relevance and privilege and in the absence of any evidence or information that suggests a connection between Terminix and the Site.

12. If Respondent is a Trust, provide all relevant agreements and documents to support this claim.

Response:

N/A.

13. Have you or any other person working with you or on your behalf ever accepted waste

materials for transportation to the Site from any person? If the answer to this question is anything but an unequivocal no, identify:

- a) The persons from whom you or such other persons accepted waste materials for transport to the Site;
- b) Every date on which waste materials were so accepted or transported;
- c) For each transaction, the nature of the waste materials accepted or transported, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the material was used or the process which generated the material;
- d) For each material, describe any warnings given to you with respect to its handling;
- e) The owner of the materials so accepted or transported;
- f) The quantity of the material involved (weight or volume) in each transaction and the total quantity for all transactions;
- g) All tests or analyses and analytical results concerning each material;
- h) The price charged for transport and/or disposal per drum, barrel, container, load (or whatever unit used) of waste materials brought to the Site.

Response:

Terminix has no such information relative to the Site that is the subject of this Information Request.

14. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site. In addition, identify the following:

- a) The persons with whom you or such other persons made such arrangements, including, but not limited to [provide list of transporters];
- b) Every date on which such arrangements took place;
- c) For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid) and the process for which the substance was used or the process which generated the substance;
- d) The owner of the waste materials or hazardous substances so accepted or transported;
- e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;

- f) All tests, analyses, and analytical results concerning the waste materials;
- g) The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;
- h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
- i) Where the person identified in g. above intended to have such hazardous substances or waste materials transported and all evidence of this intent;
- j) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
- k) What was actually done to the waste materials or hazardous substances once they were brought to the Site;
- l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;
- m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste material and hazardous substances involved in each transaction;
- n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;
- o) The price paid for (i) transport or (ii) disposal of (iii) or both, of each waste material and hazardous substance;
- p) All documents containing information responsive to a)-o) above, or in lieu of identification of all relevant documents, provide copies of all such documents;
- q) All persons with knowledge, information, or documents responsive to a)-o) above.

Response:

Terminix has no such information relative to the Site that is the subject of this Information Request.

15. Describe the nature of your activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site.

Response:

Terminix has no such information relative to the Site that is the subject of this Information Request.

16. State the dates during which you owned, operated, or leased the Site, and provide copies of all documents evidencing or relating to such ownership, operation, or lease arrangement (e.g., deeds, leases, etc.).

Response:

Terminix has no such information relative to the Site that is the subject of this Information Request.

17. Provide information about the Site, including but not limited to the following:

- a) Property boundaries, including a written legal description;
- b) Location of underground utilities (telephone, electrical, sewer, water main, etc.);
- c) Surface structures (e.g., buildings, tanks, etc.);
- d) Ground water wells, including drilling logs;
- e) Storm water drainage system, and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s), and other underground structures; and where, when and how such systems are emptied;
- f) Any and all additions, demolitions, or changes of any kind on, under, or about the Site, to its physical structures, or to the property itself (e.g., excavation work); and any planned additions, demolitions, or other changes to the Site; and
- g) All maps and drawings of the Site in your possession.

Response:

Terminix has no such information relative to the Site that is the subject of this Information Request.

18. Identify all past and present solid waste units (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on the Site or your property. For each such solid waste unit identified, provide the following information:

- a) A map showing the unit's boundaries and the location of all known solid waste units whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;

- b) The type of unit (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit;
- c) The dates that the unit was in use;
- d) The purpose and past usage (e.g., storage, spill containment, etc.);
- e) The quantity and types of materials (hazardous substances and any other chemicals) located in each unit; and
- f) The construction (materials, composition), volume, size, dates of cleaning, and condition of each unit.
- g) If unit is no longer in use, how was such unit closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit.

Response:

Terminix has no such information relative to the Site that is the subject of this Information Request.

19. Identify the prior owners of the Site. For each prior owner, further identify:
- a) The dates of ownership;
 - b) All evidence showing that they controlled access to the Site; and
 - c) All evidence that a hazardous substance, pollutant, or contaminant, was released or threatened to be released at the Site during the period that they owned the Site.

Response:

Terminix has no such information relative to the Site that is the subject of this Information Request.

20. Identify the prior operators, including lessors, of the Site. For each such operator, further identify:
- a) The dates of operation;
 - b) The nature of prior operations at the Site;
 - c) All evidence that they controlled access to the Site; and
 - d) All evidence that a hazardous substance, pollutant, or contaminant was released or

threatened to be released at or from the Site and/or its solid waste units during the period that they were operating the Site.

Response:

Terminix has no such information relative to the Site that is the subject of this Information Request. Furthermore, Terminix objects to and is unable to respond to this request as the term "Facility" is not a defined term in this Information Request. To the extent the term "Facility" has the same meaning as the term "Site", Terminix has no such information.

21. Provide copies of all local, state, and federal environmental permits ever granted for the Facility or any part thereof (e.g., RCRA permits, NPDES permits, etc.).

Response:

Terminix has no such information relative to the Site that is the subject of this Information Request. Furthermore, Terminix objects to and is unable to respond to this request as the term "Facility" is not a defined term in this Information Request. To the extent the term "Facility" has the same meaning as the term "Site", Terminix has no such information.

22. Did the Facility ever have "interim status" under RCRA? If so, and the Facility does not currently have interim status, describe the circumstances under which the Facility lost interim status.

Response:

Terminix has no such information relative to the Site that is the subject of this Information Request. Furthermore, Terminix objects to and is unable to respond to this request as the term "Facility" is not a defined term in this Information Request. To the extent the term "Facility" has the same meaning as the term "Site", Terminix has no such information.

23. Did the Facility ever file a notification of hazardous waste activity under RCRA? If so, provide a copy of such notification.

Response:

Terminix has no such information relative to the Site that is the subject of this Information Request. Furthermore, Terminix objects to and is unable to respond to this request as the term "Facility" is not a defined term in this Information Request. To the extent the term "Facility" has the same meaning as the term "Site", Terminix has no such information.

24. Provide all reports, information, or data related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

Response:

Terminix has no such information relative to the Site that is the subject of this Information Request.

25. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrology, or air quality on or about the Site? If so, identify:

- a) What the nature and scope of these investigations will be;
- b) The contractors or other persons that will undertake these investigations;
- c) The purpose of the investigations;
- d) The dates when such investigations will take place and be completed; and
- e) Where on the Site such investigations will take place.

Response:

No.

26. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants that have occurred at or from the Site. In addition, identify:

- a) When such releases occurred;
- b) How the releases occurred;
- c) The amount of each hazardous substances, pollutants, or contaminants so released;
- d) Where such releases occurred;
- e) Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release.
- f) Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken; and
- g) All persons with information relating to these releases.

Response:

Terminix has no such information relative to the Site that is the subject of this Information Request.

27. Was there ever a spill, leak, release or discharge of hazardous materials into any subsurface disposal system or floor drain inside or under the [PRP] building? If the answer to the preceding question is anything but an unqualified "no," identify:

- a) Where the disposal system or floor drains were located;
- b) When the disposal system or floor drains were installed;
- c) Whether the disposal system or floor drains were connected to pipes;
- d) Where such pipes were located and emptied;
- e) When such pipes were installed;
- f) How and when such pipes were replaced, or repaired; and
- g) Whether such pipes ever leaked or in any way released hazardous materials into the environment.

Response:

Terminix has no such information relative to the Site that is the subject of this Information Request.

28. Did any leaks, spills, or releases of hazardous materials occur on the Site when such materials were being:

- a) Delivered by a vendor;
- b) Stored (e.g., in any tanks, drums, or barrels);
- c) Transported or transferred (e.g., to or from any tanks, drums, barrels, or recovery units);
or
- d) Treated.

Response:

Terminix has no such information relative to the Site that is the subject of this Information Request.

29. Has soil ever been excavated or removed from the Site? Unless the answer to the preceding question is anything besides an unequivocal "no," identify:

- a) Amount of soil excavated;

- b) Location of excavation;
- c) Manner and place of disposal and/or storage of excavated soil;
- d) Dates of soil excavation;
- e) Identity of persons who excavated or removed the soil;
- f) Reason for soil excavation;
- g) Whether the excavation or removed soil contained hazardous materials and why the soil contained such materials;
- h) All analyses or tests and results of analyses of the soil that was removed from the Site;
- i) All persons, including contractors, with information about (a) through (h) of this request.

Response:

Terminix has no such information relative to the Site that is the subject of this Information Request.

Terminix' responses to the Request for Information are made as of the date hereof, and Terminix reserves the right to revise, amend and supplement its responses at any time in the future. Terminix understands that if additional information becomes known or available regarding the Information Request, that these responses will be supplemented.

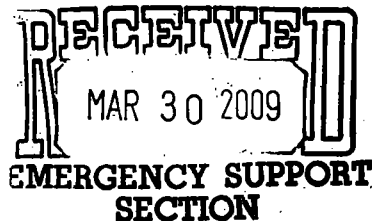
Sincerely,

TERMINIX INTERNATIONAL COMPANY L.P.

By: Sherry Brooks w/permission
Sherry Brooks

The Terminix International
Company L.P.
Legal Department - A4-1064
860 Ridge Lake Boulevard
Memphis, TN 38120
4000-0093

TERMINIX



The Nationwide Pest Control Experts

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RVP
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